

REMARKS

Following entry of Applicant's Amendment dated July 21, 2003, claims 7, 9-11, 15, and 18-22 are all the claims pending in the application. By this Amendment, Applicant is amending claims 11, 18, and 19.

Applicant's representative, Mr. Raja Saliba, thanks the Examiner for granting the telephone interview on August 18, 2003. The substance of this interview is as set forth in the Examiner's Interview Summary record (paper no. 11).

Applicant's Request For Continued Examination ("RCE") instructs the Examiner to enter the Amendment dated July 21, 2003. Applicant is hereby further amending independent claims 11, 18, and 19 to recite that the pneumatic tire is mounted on a vehicle.

Applicant argued in its Amendment of July 21 with respect to the primary reference applied in the prior art rejection that the inquiry is whether the inclination of the cuts in Japan '204 are inclined relative to the trailing edge of the ground-contact configuration. The Examiner acknowledged that these cuts are inclined relative to the leading edge of the ground-contact configuration. Hypothetically mounting the tire on the vehicle in the reverse (i.e., improper) orientation is not relevant to the inquiry, since one skilled in the art understands that the forward rotational direction at the ground-contact configuration for a directional (i.e. uni-directional) tire is a fixed and predetermined direction irrespective of whether or not the tire is properly mounted on a vehicle. Stated otherwise, a directional tire can only have a single forward rotational direction at the ground-contact configuration. Applicant maintains this position.

As set forth in the Examiner's Interview Summary record and pages 2-4 of the Advisory Action, the Examiner maintains that a tire cannot have a forward direction of rotation until it is

actually mounted on a vehicle. Accordingly, the Examiner argues that even a uni-directional as disclosed in JP '204 does not have a forward direction of rotation until mounted on a vehicle. That is, the Examiner takes the position that the recitation of a forward rotational direction is directed to an intended use and does not structurally limit the claim.

Additionally in the paragraph bridging pages 3 and 4 of the Advisory Action, the Examiner states that the pending claims “fail to require the direction of rotation of the tire being determined by the directionality of the tread pattern.” *As explained in Applicant’s last Amendment and discussed during with the Examiner during the interview, the claimed tire can be non-directional. JP ‘204, on the other hand, discloses a directional tire, which defines its forward direction of rotation, even when not actually mounted on a vehicle.*

Nevertheless, in view of the Examiner’s indication made during the interview that he may, upon further consideration, find the claims distinguishable over JP '204 if amended to recited *a mounted tire*, and as a path of least resistance and without prejudice or disclaimer, Applicant is further amending the claims to recite that the tire is mounted on a vehicle so that the claim unequivocally represents a structural limitation to the Examiner’s satisfaction.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

U.S. Appln. No.: 09/851,958
Amendment Under 37 C.F.R. § 1.114(c)

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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